

**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
WEDNESDAY, NOVEMBER 28, 2007  
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA  
RATIFIED BY THE MAINE EMS BOARD ON JANUARY 2, 2008  
MEETING MINUTES**

Present: Rick Doughty, Carol Pillsbury, Paul Knowlton, Oden Cassidy  
Staff: Dawn Kinney and Alan Leo,  
AAG: Laura Yustak Smith

**1. Call To Order:** The meeting was called to order at 9:15 a.m.

**A. Additions/Deletions to the Agenda – Case 07-35 was added at request of Board counsel.**

**2. Complaint/Investigation Cases 07-20 and 07-24.**

The committee entered executive session for the purpose of reviewing investigation and discussing cases 07-20 and 07-24.

***Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A), §92(3) and 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice and the purpose of discussing cases 07-20 and 07-24. (Doughty; Pillsbury – motion carries).***

The committee entered executive session at 10:15 a.m. and exited at 11:00 a.m.

During executive session, the committee reviewed the status of the investigations and discussed options for disposition of cases 07-20 and 07-24.

***Motion: The Committee directed staff to continue investigation and obtain additional information on cases 07-20 and 07-24 (Doughty; Cassidy - motion carries).***

**3. Informal Conference – Cases 07-38**

**A. Case # 07-38**

***Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(F)(E) for receiving legal advice concerning case #07-38 and to conduct informal conference. (Doughty; Cassidy – motion carries).***

The committee entered executive session at 9:15 a.m. and exited at 10:00 a.m.

During executive session, the committee reviewed investigation with staff, waited until 9:45 for Licensee to appear for Informal Conference scheduled for 9:30, and, when Licensee failed to appear, discussed options for disposition of case 07-38.

***Motion: In case 07-38, to deny renewal application based on the Licensee's convictions for Operating Under the Influence (Class D) in violation of 29-A M.R.S.A. §2411(1-A)(A) on March 23, 2006 and a***

***Theft By Unauthorized Taking or Transfer (Class E) in violation of 17-A MRSA §353(1)(A) on March 22, 2007. The Committee finds that Licensee was in violation of the Maine EMS Statue Title 32 M.R.S.A. §90(5)(G) [theft is a conviction of a crime that involves dishonesty] and MEMS Rules Chapter 11§1(4) Any criminal conviction, subject to the limitations of Maine statute. The Committee finds that the theft conviction is directly related to the profession; and that the License has not shown that he has been reasonably rehabilitated to warrant the public trust because of the recency of the conviction, Licensee's failure to take responsibility, the absence of any letters of recommendation and failure to attend the scheduled informal conference. (Doughty; Cassidy – motion carries).***

#### **4. Applications**

##### **A. Michael Roberson – Informal Review**

The Committee conducted an informal review with applicant Michael Roberson concerning his convictions for Simple Assault on May 19, 2002, Disorderly Conduct on February 16, 2003, Attempt to Commit a Crime on April 27, 2003 and Simple Assault on April 27, 2003, that he had disclosed on his August 06, 2007 Emergency Medical Technician – Basic license application.

The Committee reviewed documents provided by the applicant and Maine EMS and heard from the applicant about the criminal conduct and his efforts at rehabilitation.

***Motion: That Applicant Michael Roberson's conduct that led to his convictions for Simple Assault on May 19, 2002, Disorderly Conduct on February 16, 2003, Attempt to Commit a Crime on April 27, 2003 and Simple Assault on April 27, 2003, constitutes a violation of Maine EMS Rules Chapter 11§1(5) – Acting in ways that are dangerous or injurious to the licensee or other persons. The Committee finds no aggravating circumstances; that mitigating circumstances exist in that Applicant demonstrated that he has been sufficiently rehabilitated to warrant the public trust, there was no injury that occurred as a result of Applicant's conduct, Applicant expressed remorse for his actions, Applicant has taken multiple positive steps in self improvement including voluntarily seeking counseling and Applicant has cooperated with the Committee in this matter. Therefore, the Committee finds that Applicant has demonstrated rehabilitation sufficient to warrant the public trust, through his actions following the offense date, and that Applicant be issued a Maine EMS license and a Letter of Guidance for three years. (Doughty; Cassidy – motion carries).***

##### **B. Brian Dunnigan – Informal Review**

The Committee conducted an informal review with applicant Brian Dunnigan concerning his convictions for Assault and Criminal Mischief in 1989 in Massachusetts, Assault and Criminal Mischief on January 25, 1993 in Maine and Assault and Battery on a Police Officer, Disorderly Conduct and Assault with a Dangerous Weapon on March 31, 2003 in Massachusetts that he had disclosed on his September 12, 2007 Emergency Medical Technician – Basic license application.

The Committee reviewed documents provided by the applicant and Maine EMS and heard from the applicant about the criminal conduct and his efforts at rehabilitation. \*

***Motion: The Committee directed staff to continue the review of the application and obtain additional information, and requested that applicant provide a professional reference from the time of his employment in NY, a waiver to allow EMS to speak with counselor and contact information for his attorney in MA.***

The committee entered executive session for the purpose of reviewing investigation and discussing cases 07-34, 07-35 and 07-41.

***Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A), §92(3) and 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice and the purpose of discussing cases 07-34, 07-35 and 07-41. (Doughty; Cassidy – motion carries).***

The committee entered executive session at 12:05 p.m. and exited at 12:30 p.m.

During executive session, the committee discussed options for disposition of cases 07-34, 07-35 and 07-41.

***Motion: In case 07-34, The Committee finds that Licensee did not violate any Maine EMS Rules (dated September 1, 2006) as his charge for Assault (Class D) in violation of 17-A M.R.S.A. §207(1)(A) on September 24, 2006 was dismissed by the state on September 19, 2007. The Committee directs staff to renew the Licensee's EMS EMT-Intermediate license and the Committee considers this investigation 07-34 resolved and closed. (Knowlton; Cassidy – motion carries).***

***Motion: In case 07-35, The Committee finds that Licensee did not violate any Maine EMS Rules (dated September 1, 2006) for the protocol violation of administering D5W as it did not rise to the level of Chapter 11 § (1)(22) [Incompetent practice]. The Committee finds that this violation did not warrant disciplinary action and to issue a Letter of Guidance to be kept on file for three years for the protocol violation and to dismiss the other Quality Assurance complaints. The Committee considers this investigation 07-35 resolved and closed upon issuance of the Letter of Guidance. (Doughty; Cassidy; – motion carries).***

***Motion: In case 07-41, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§(1)(30) [Providing treatment at a level for which a person is not licensed.] and 32 M.R.S.A. §82(1) License required [An emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services Board]. This violation is based on Licensee providing patient care with an expired license on four ambulance calls during a period from April 1, 2007 to May 17, 2007. The Committee found mitigating circumstances: Licensee did not respond until after she had taken her refresher course; Licensee was initially corresponding with the Regional office to renew her MEMS license instead of the MEMS office and was under the impression that her license had been renewed; Licensee was under tremendous stress due to her husbands serious illness; Licensee took responsibility and there was no patient harm. In consideration of the mitigating factors the Committee will dismiss this investigation with a Letter of Guidance to emphasize the importance of knowing the Maine EMS license renewal process. The Letter of Guidance will be kept on file for three years. Investigation 07-41 will be resolved and closed with the issuance of the Letter of Guidance. (Doughty; Knowlton – motion carries)***

## **5. Next Meeting**

The next meeting is scheduled for Thursday, January 17, 2008 at 9:15 a.m.

## **6. Adjourn**

Adjourn – The meeting was adjourned at 2:00 p.m.

Respectfully submitted,

Dawn Kinney, EMT-P  
Licensing Agent

**\* Please cross-reference the Maine EMS Board minutes of January 2, 2008.**